

Notice of Allowability

Application No.

09/977,182

Examiner

CUONG H. NGUYEN

Applicant(s)

REICHWEIN ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview on 11/06/2006.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/06/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the Terminal Disclaimer for a continuing case (S.N. 09/880,973, now Abandon) received on 9/11/2002, and the interview with applicants' representative on 11/06/2006.

Priority

2. This application claims priority from a US Pat. 6,311,162 filing date 7/25/1998.

Examiner 's amendment:

3. The authorization for this amendment was given by Mr. Brian P. Kinnear (register # 43,717) on 11/06/2006. Should the changes be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been agreed to amend as follows:

- Claims 15-20 are cancelled

Allowable Subject Matter & Reasons for Allowance

4. Independent claims 1, 5, 9, and 11 are patentable over the closest references of Joao, in view of Shirane et al., further in view of Koether because they do not anticipate nor fairly and obviously teach an interactive symptomatic recording device for compiling symptoms of a vehicle relating to a product as sensed by a lay person/driver, and for generating a chart of symptoms for use by a service provider.

- Joao discloses no suggestion of providing information relating to actual operating conditions as stored by a memory when the problem was noted, he is silent regarding operating conditions during abnormal conditions and a mechanism to record the symptoms associated with the abnormal operating conditions.

- Shirane et al.'s reference is directed to a fault detection and the like; they also provide no mechanism for capturing a mechanical fault.

5. Claims 2-4, 6-8, 10, and 12-14 are allowed because they are dependent on claims 1, 5, 9, and 11 (in that order).

Conclusion

6. Claims 1-14 are patentable.

7. These following references are also related to claims' subject matters; however, they do not suggest a method or a recording system having above inventive features (in the reasons of allowance):

- Chang, EP 0590571 A1 (DE) – G05B 23/02, Knowledge based diagnostic advisory used in industrial plant facility – forming set of knowledge elements which are held on computer allowing technician to work through hierarchy of faults, advice and guidance to methodically locate and resolve source problem, 4/06/1994. This reference directs to a different scope vs. this invention.

- Ferriter, EP 0425407 A2 (USA) – G07C 1/10, Method and apparatus for measurement of manufacturing technician efficiency and providing feedback manufacturing technician within computer based manufacturing process plan, 5/02/1991. This reference directs to a different scope vs. this invention.

- No author, Method for estimating equipment reliability, IBM Technical Disclosure Bulletin, 10/1994, vol. 37, issue 10, pp. 113 – 118 (TBD-ACC-NO: NN9410113). This article directs to a different scope vs. this invention.

- No author, Readers' questions - Satellite Trader, Cable satellite and TV news, 10/01/1996, from DIALOG® File 696, acc. No. 00500809. This article directs to a different scope vs. this invention.
 - No author, Engineering services for oil spill frequency and fate analysis, 5/17/1983, from DIALOG® File 194, acc. No. 0284748. This article directs to a different scope vs. this invention.
 - No author, TIP - 1 - check the forecast although the market you have your eye on may look ripe..., VARBUSINESS, 5/15/1994, n 1007, 72ab, from DIALOG® File 647, acc. No. 01020531. This article directs to a different scope vs. this invention.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen
CUONG H. NGUYEN
PRIMARY EXAMINER